

Diving contractor fined for safety breaches

Diving contractor Orkney Dived Scallops Ltd has been fined for breaches of the Diving at Work Regulations 1997, following an investigation by the Health and Safety Executive.

Kirkwall Sheriff Court heard that the company were carrying out commercial diving operations for scallops without the required safety measures in place.

An investigation by the Health and Safety Executive (HSE) found that in 2016, the dive contractor carried out a diving operation where two divers were in the water, leaving only one person on board. One of the divers was a young person who did not have the necessary diving qualification or certificate of medical fitness to dive.

In 2017 there was a further incident where a diver went missing whilst diving for scallops in the Pentland Firth. He was found alive 11 hours later drifting off the Scottish mainland near Duncansby.

Neither of these dives were planned, managed or conducted safely and the dive contractor has important legal duties to ensure the diving operations are carried out properly.

Orkney Dived Scallops Ltd pleaded guilty to breaching Section 15 and 33 of the Health & Safety at Work etc Act 1974 and Regulation 6 of the Diving at Work Regulations 1997. The company has been fined £15,000.

After the hearing, HSE inspector of Diving Bill Elrick commented, "The company showed a complete lack of duty of care to their divers. Young people are vulnerable and need to be protected in their workplace. Having only one person on the vessel meant it would be virtually impossible to recover a stricken diver and divers must be appropriately qualified and medically fit to dive."

"Orkney Dived Scallops Ltd failed to comply with health and safety regulations which led to the incident in 2017. It is very unusual for a missing diver to survive in Scottish waters for this length of time."

While carrying out the investigation, the inspectors wore body-worn CCTV cameras which is now common practice and is an excellent way of capturing evidence.

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported

by globally recognised scientific expertise. hse.gov.uk

2. More about the legislation referred to in this case can be found at:
legislation.gov.uk/; www.hse.gov.uk/pubns/indg401.pdf
3. HSE news releases are available at <http://press.hse.gov.uk>